THE HON'BLE MR JUSTICE R.SUBHASH REDDY

–

Writ Petition No.2394 of 2006

10.02.2006

Between

Mullangi Subba Reddy

…Petitioner

And

The Additional Agent to Government and Project Officer, ITDA, Bhadrachalam, Khammam District and others.

…Respondents

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

–

Writ Petition No.2394 of 2006

ORDER:

The petitioner, who claims to be the owner and possessor of land admeasuring Ac.4.05 guntas situated in Survey No.77/A of Sangam village, Paloncha Mandal, Khammam District, filed this writ petition seeking directions to the first respondent to dispose of the statutory appeal filed by him, which is stated to have been filed on 07.06.2005 and is pending before the first respondent-appellate authority.

In the affidavit filed in support of the writ petition, it is stated that in the *suo motu* proceedings initiated under the provisions of A.P. Scheduled Areas Land Transfer Regulation, 1959 (for short, the Regulations), the primary authority i.e., the Special Deputy Collector (Tribal Welfare), Bhadrachalam has passed order in L.T.R.Case No.54/2001/PVC on 22.03.2005 to evict the petitioner from the land in question and to take the said land into Government custody, so as to distribute the same to the eligible tribals. It is stated that as against the said order of eviction, as contemplated under the provisions of the Regulations, the petitioner has preferred statutory appeal on 07.06.2005 along with an interim application seeking stay.

It is the case of the petitioner that though the statutory appeal and the interim application for stay were filed as long back as on 07.06.2005, the appellate authority has not passed any orders either on the stay application or on the appeal.

As much as the appeal is a remedy provided under Regulation 1 of the Regulations as amended by Regulation 1 of 1970, when an appeal is filed along with an application for interim order, the appellate authority is expected to dispose of the same within a reasonable time. It is the case of the petitioner that on the one hand, the appellate authority is not disposing of either the appeal or the stay application pending before it, and on the other hand, pursuant to the orders of the primary authority, steps are being taken by the third respondent to dispossess the petitioner from the land in question.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare, and at their request, the matter is disposed of at the admission stage.

As much as the appeal is pending before the appellate authority, it is not desirable to record any finding with regard to merits as to whether the transfer effected in favour of the petitioner is in contravention of the Regulations or not. It is for the appellate authority to consider the appeal and record its finding, so as to test the validity or otherwise of the order passed by the primary authority. However, taking into

consideration the fact that the appeal was filed as early as on 07.06.2005 along with a stay application, I dispose of the writ petition directing the appellate authority to dispose of the main appeal itself, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. Further, the respondents are directed to maintain *status quo* as on today with regard to possession of the land in question i.e., the land admeasuring Ac.4.05 guntas situated in Survey No.77/A of Sangam village, Paloncha Mandal, Khammam District.

The writ petition is accordingly disposed of, at the stage of admission. No costs.

_____

10.02.2006

Note: Issue CC by 14.02.2006

(b/o)

VGB